

Interview Summary	Application No.	Applicant(s)
	10/018,056	HORTON, DAVID R
	Examiner Ramesh Krishnamurthy	Art Unit 3753

All participants (applicant, applicant's representative, PTO personnel):

(1) Ramesh Krishnamurthy. (3) Ross Hunt (Attorney).
 (2) David Clarke (Patent Agent from Australia). (4) _____.

Date of Interview: 15 September 2005.

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: A model for the valve being claimed was shown..

Claim(s) discussed: 1.

Identification of prior art discussed: Souza (US 3,822,720), Vest (US US 3,903,942) & DE 40 33 818 A1.

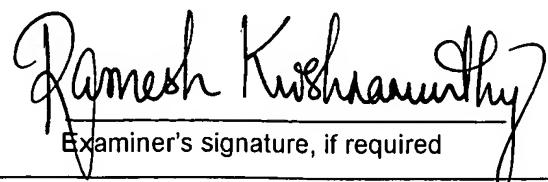
Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Summary (Attachment)

Applicants explained that the valve of the instant invention has the advantage of easy manufacturability in a mold on account of its rotational symmetry. In that connection the attorney explained that the rotational symmetry claimed pertains to the diaphragm only and not to the aperture, which is indeed a slit. The attorney further explained that the rotational symmetry provides an effective seal of the nozzle inserted into the diaphragm.

In connection with the obviousness rejection of claim 1, the attorney and Mr. Clarke pointed out that the DE'818 reference was from an unrelated field to that of Souza, had no injection of the fluid via a nozzle and had an orientation that is different from that of the valve being claimed. They also pointed out that in the Vest reference the nozzle was being inserted through an opening and not through a valve that is closed. Furthermore, it was pointed out that the Vest reference was from a ~~field~~ ^{field} unrelated to that of Souza. In response, the examiner explained that the question of non-analogous art does not arise when the references are all concerned with at least the same problem which in this case happens to be that of fluid flowing through a check valve or that of insertion of nozzle to provide fluid flow therethrough.

Attorney Hunt and Mr. Clarke proposed an amendment (copy attached) for claim 1, including citations pertaining to the shape of the slit as shown in Fig. 7D, for example. Examiner informed them that the amendment would be considered when submitted along with a formal response to the outstanding office action.

1. (Currently Amended) A non-return valve comprising:

a valve body including a fluid passageway which defines a fluid inlet and a fluid outlet located on a low pressure and a high pressure side of the valve, respectively, the fluid passageway being adapted to allow a flow of fluid from the inlet to the outlet; and

a valve diaphragm in the form of a conical-shaped diaphragm having a base having a width and including a collapsible aperture located at or adjacent its apex which is orientated in a downstream flow direction and directed toward the high pressure side of the valve, said diaphragm being connected across the fluid passageway, and being rotationally symmetrical about a longitudinal axis which passes through its apex, said diaphragm tapering in wall thickness toward said apex and further being constructed of a resiliently flexible material wherein upon insertion of a nozzle through the collapsible aperture the diaphragm closes about the nozzle to prevent fluid escape whereas upon retraction of the nozzle the diaphragm itself initiates closure of the collapsible aperture, said closure being further promoted by fluid on the high pressure side of the valve to thus prevent fluid flowing in a reverse direction toward the inlet whereas the application of pressure using the nozzle, exceeding atmospheric pressure and that on the high pressure side, to an inlet side of the diaphragm deflects the diaphragm to expose the aperture and allow fluid to flow through the passageway from the inlet to the outlet only, and said collapsible aperture comprising a slit extending across the full width of the base.